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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,756	09/30/2003	Craig Nevill-Manning	24207-10062	7510
63296 7590 05/15/2008 GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041				
EXAMINER				
MIZRAHI, DIANE D				
ART UNIT		PAPER NUMBER		
2165				
MAIL DATE		DELIVERY MODE		
05/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,756

**Applicant(s)**

NEVILL-MANNING ET AL.

**Examiner**

DIANE MIZRAHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-12, 15 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☐ Claim(s) 4, 6-12, 20, 22, 23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11-15-2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 3-12, 15, 19-26 are pending in this Application.

This action is responsive to the Amendment filed January 8, 2008.

Prosecution has been reopened. All previous presented rejections of the claims are hereby withdrawn as to being moot. See new office action below.

Examiner's note: Examiner formally withdraws the objection to the specification and the rejection under 35 USC 101 for claims 19-24.

Based on Applicant's remarks and new prior art found, a non-final office action is presented.

*Examiner's remarks regarding 35 USC § 101:*

Regarding Claims 19-26, Examiner examined Applicant's claimed, "computer program product on computer readable storage medium".

In the specification, Page 6, (Paragraph [0017] ),

Applicant states:

"The processor 110 executes a set of computer-executable program instructions stored in memory 108. Such processors may include a microprocessor, an ASIC, and state machines. Such processors include, or may be in communication with, media, for example computer-readable media, which stores instructions that, when

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executed by the processor, cause the processor to perform the steps described herein."

Examiner believes that a 35 USC 101 rejection is not warranted.

### ***Specification***

The disclosure is objected to because of the following informalities: In Applicant's instant application, (page 13, lines 1-3) prior art Dan Gusfield's, "Algorithm on Strings, Trees, and Sequences", has not been provided on an Information Disclosure form.

Examiner requests a copy of this prior art for consideration.

Appropriate correction is required.

### **Claim Rejections - 35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-12, 15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brian L. Hazlehurst (U.S. Patent # 6,289,353 B1 and Hazlehurst hereinafter) in view of Ion Muslea et al. (U.S. Patent# 6,606,625 B1 and Muslea hereinafter).

Regarding Claims 12 and 23, Hazlehurst teaches accessing a plurality of related articles (i.e. corpus of documents) (Col 16, line 54); determining a article from related articles (i.e. incoming documents from multiple information sources (e.g., in-house

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editorial staff, third-party news feeds, large databases, World Wide Web spiders) and feed documents) (Col 2, lines 40-43) ; identifying at least one information field (i.e. variable specifying threshold for maximum distance) (Col 21, lines 41-42) within the article by comparing the article to at least one related article (i.e. spanned by a set of concepts which are central to a significant portion of the set of documents (Col 3, lines 1-2) or (i.e. a first document regarding cars and second document relating to trucks in which similarity between the two documents is determined)(Col 4, lines 63-65) at least one related article (i.e. a first document regarding cars and second document relating to trucks in which similarity between the two documents is determined)(Col 4, lines 63-65) creating a template based on identified information field (i.e. arrangement in the recommended list by score) (Figure 16, item 233) and (i.e. convert documents to a standard format) (Col 7, lines 44-45) (Examiner notes that a template is inherit as a file format like documents) identifying a plurality of templates (i.e. formats) (Col 9, lines 10-12) comprising at least one information field (i.e. index 102 has document ID field and grinder ID field) (Figure 7, item 102) (Examiner notes that field is data that has several parts or rows and columns typically found in a database such as document table represented rows) (see Col 12, lines 19 and 22) comparing (i.e. find similarity between documents) (Figure 21, item 268 and 270) source article (i.e. corpus of documents) (Col 16, line 54) to the template (i.e. formats) (Col 9, lines 10-12) to determine the closest template (i.e. convert documents to a canonical source-independent format for use by the document indexing and storage system)(Col 7, lines 44-47) (see also distance metrics, Col 12, lines 12-16) associating data from the source article (i.e.

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corpus of documents) (Col 16, line 54) with an information field (i.e. index 102 has document ID field and grinder ID field) (Figure 7, item 102) from the closest template (i.e. closest document vectors) (Col 12 line 34) (see also sorting list of document distances in increasing order)(Col 12, lines 25-26) and extracting data (i.e. extract the address) (Col 3, lines 26-27) or (i.e. extracted by liaison from user tank for user; these are the symbolic profile data which have been asserted by user about himself or herself.) (Col 24, lines 37-40).

Hazleburst does not expressly teach seed.

Muslea teaches seed (i.e. creating rule candidates based upon seed) (Col 20, line 43).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hazleburst with the teachings of Muslea to include seed with the motivation to allow users to allow the user to gather information from an identified and semi-structured source, provide a stepping stone to an ultimate goal of harvesting information from unpredictable, but stable, information sources, and the user then has control over the information he or she wants and can choose almost any kind or type of information for return from the vast information reservoir. (Muslea, Col 3, lines 24-44).

Regarding Claims 4 and 20, Hazleburst teaches clustering of related articles (Figure 1, items 34,32, and 33).

Regarding Claims 6 and 22, Hazleburst teaches information field performed by comparing article to cluster of articles (i.e. vehicles in relation to car and truck) (Figure 1, item 22) or (clustering of bone cancer to breast cancer are compared and given a region of user interest )(Figure 2, items 37, 38 and 39).

Hazleburst does not expressly teach seed.

Muslea teaches seed (i.e. creating rule candidates based upon seed) (Col 20, line 43).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hazleburst with the teachings of Muslea to include seed with the motivation to allow users to allow the user to gather information from an identified and semi-structured source, provide a stepping stone to an ultimate goal of harvesting information from unpredictable, but stable, information sources, and the user then has control over the information he or she wants and can choose almost any kind or type of information for return from the vast information reservoir. (Muslea, Col 3, lines 24-44).



Regarding Claim 7, Hazleburst teaches variable data (i.e. variable specifying threshold)(Col 21, lines 41-42).

Regarding Claim 8, Hazleburst teaches web pages (i.e. web sites on the world wide web such as Medline or MDX health digests) (Col 7, lines 28-32).

Regarding Claim 9, Hazleburst teaches web pages on the web site (i.e. web sites on the world wide web such as Medline or MDX health digests) (Col 7, lines 28-32).

Regarding Claim 10, Hazleburst teaches content on the web page (Medline or MDX health digests) (Col 7, lines 28-32).

Regarding Claim 11, Hazleburst teaches preserving visible text, visible images, paragraph and table formatting (i.e. reads on the web page) (Examiner notes that web pages maybe retrieved, therefore are preserved. Web pages usually contain links to images, media. Web page as an information set, can contain many kinds of information, which is able to be seen, heard or interact by the end user).

Regarding Claims 24 and 25, Hazleburst teaches displaying (i.e. displays to a user) (Col 30, lines 17-18) and storing (i.e. storing in database) (Abstract).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

**Allowable Subject Matter**

Claim 15 is allowed over the prior art made of record.

Applicant's particular the limitations directed at the extraction of data with identifying templates and comparing source article to the templates using dynamic programming alignment algorithm to compute edit distance between source article and the templates containing one information field in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record, in context to the claims and the specification.

Claims 3,5, 19, 21 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's particular the limitations directed at the extraction of data with identifying templates and comparing source article to the templates using dynamic programming alignment algorithm to determine cluster of related seed articles from related articles based on edit distances, and compute edit distances between source article and the templates in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record, in context to the claims and the specification.

The dependent claims, being further limiting to the independent claims, definite and enabled by the Specification are also allowed. The closest prior art fails to anticipate or render Applicant's limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571) 272-4190. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Diane Mizrahi/

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April 6, 2008

